

**Introduced by Senator Wolk  
(Principal coauthor: Senator Price)**

February 18, 2010

---

An act to add Section 65302.10 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as introduced, Wolk. Land use: general plan: disadvantaged unincorporated communities.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning.

This bill would require a city or county to amend its general plan to the extent necessary to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the amended general plan to include specified information. This bill would also require a city or county, after the initial amendment of its general plan, to review, and if necessary amend, its general plan to update its information, goals, and program of action relating to these communities. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Hundreds of disadvantaged unincorporated communities,  
4 commonly referred to as “colonias,” exist in California. There are  
5 more than 200 of these communities in the San Joaquin Valley  
6 alone. Many of these communities are geographically isolated  
7 islands, surrounded by the city limits of large and medium-sized  
8 cities.

9 (2) Conditions within these disadvantaged unincorporated  
10 communities evidence a distinct lack of public and private  
11 investment that threatens the health and safety of the residents of  
12 these communities and fosters economic, social, and educational  
13 inequality. Many of these communities lack basic infrastructure,  
14 including, but not limited to, streets, sidewalks, storm drainage,  
15 clean drinking water, and adequate sewer service.

16 (b) It is the intent of the Legislature to encourage investment in  
17 these communities and address the complex legal, financial, and  
18 political barriers that contribute to regional inequity and  
19 infrastructure deficits within disadvantaged unincorporated  
20 communities.

21 SEC. 2. Section 65302.10 is added to the Government Code,  
22 to read:

23 65302.10. (a) As used in this section, the following terms shall  
24 have the following meanings:

25 (1) “Disadvantaged unincorporated community” means a fringe,  
26 island, or legacy community in which the median household  
27 income is 80 percent or less than the statewide median household  
28 income.

29 (2) “Unincorporated fringe community” means any inhabited  
30 and unincorporated territory that is within a city’s sphere of  
31 influence.

32 (3) “Unincorporated island community” means any inhabited  
33 and unincorporated territory that is surrounded or substantially  
34 surrounded by one or more cities or by one or more cities and a  
35 county boundary or the Pacific Ocean.

1 (4) “Unincorporated legacy community” means a geographically  
2 isolated community that is inhabited and has existed for at least  
3 50 years.

4 (b) The legislative body of a city or county shall amend its  
5 general plan, and each element in the plan, to the extent necessary  
6 to include data and analysis, goals, implementation measures,  
7 policies, and objectives to address the presence of unincorporated  
8 island, fringe, or legacy communities inside or near its boundaries,  
9 no later than the date specified in paragraph (2) of subdivision (d).

10 (c) The general plan, as amended pursuant to subdivision (b),  
11 shall include all of the following:

12 (1) An identification of each unincorporated island, fringe, or  
13 legacy community within or proximate to the boundaries of the  
14 city or county. This identification shall include a description of  
15 the community and a map designating its location.

16 (2) For each identified community, a quantification and analysis  
17 of all of the following:

18 (A) The number of housing units and residents that lack access  
19 to sanitary sewer service.

20 (B) The number of housing units and residents that lack access  
21 to municipal water service.

22 (C) The number of residential neighborhoods within a  
23 community that lack one or more of the following:

24 (i) Paved roads.

25 (ii) Storm drainage.

26 (iii) Sidewalks.

27 (iv) Street lighting.

28 (D) The number of households within one-quarter of a mile of  
29 public transit.

30 (E) The number of housing units that are in substandard  
31 condition.

32 (F) The number of households paying more than 30 percent of  
33 their income toward housing.

34 (G) The number of households in overcrowded housing.

35 (3) An analysis of the city’s or county’s current programs and  
36 activities to address the conditions or deficiencies described in  
37 paragraph (2), and an identification of any constraints to addressing  
38 those conditions or deficiencies. The analysis shall evaluate the  
39 annexation of any identified island or fringe communities.

1 (4) A statement setting forth the city's or county's specific,  
2 quantified goals for eliminating or reducing the conditions or  
3 deficiencies described in paragraph (2) and found to be present in  
4 an unincorporated island, fringe, or legacy community within or  
5 proximate to the boundaries of the city or county.

6 (5) A program of flexible implementation measures that the city  
7 or county will undertake to achieve the goals described in  
8 paragraph (4), including an identification of resources and a  
9 timeline of actions.

10 (d) (1) Following a city's or county's amendment of its general  
11 plan pursuant to this section, on or before the due date for the next  
12 revision of its housing element, the city or county shall review,  
13 and if necessary amend, its general plan to update the analysis,  
14 goals, and actions required by this section.

15 (2) A city or county shall comply with this subdivision on or  
16 before the earlier of the following two dates:

17 (A) The date of the city's or county's next general plan revision.

18 (B) The date that is one year after the date specified in Section  
19 65588 for the next revision of the city's or county's housing  
20 element scheduled to occur after January 1, 2010.

21 SEC. 3. If the Commission on State Mandates determines that  
22 this act contains costs mandated by the state, reimbursement to  
23 local agencies and school districts for those costs shall be made  
24 pursuant to Part 7 (commencing with Section 17500) of Division  
25 4 of Title 2 of the Government Code.